IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 19612 of 1998

Between:

Addanki Jagadeesh Chandra rao, S/o. Srinivasa Rao, Hindu,
District Munsiff, R/o. Cuddapah District.

..... PETITIONER

AND

1 The District Judge,
Srikakulam.
2 The Registrar, Administration, High Court,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ or order or direction especially one in the nature of Mandamus direct the respondents to change the date of Birth from 21-4-1956 to the exact date i.e.21-4-1957 and enter the same in to Service Register as per the declaration by the petitioner

Counsel for the Petitioner: MR.C.POORNAIAH

Counsel for the Respondents: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following:

ORDER:

Petitioner is questioning the order passed by the respondents in rejecting his representation, by which petitioner sought change of date of birth.

The petitioner was selected for appointment as District Munsif by direct recruitment vide G.O.Ms.No.306, Home (Cts.C) Department, dated 08.06.1992, and underwent two months training at A.P. Judicial Academy, Secunderabad, from 20.07.1992 to 19.09.1992. On completion of training, petitioner was posted as District Munsif, Palakonda, and he assumed the charge of the office on 21.09.1992. The effective date of joining service by petitioner is 20.07.1992. After the petitioner assumed the charge of the office, he made a representation on 13.10.1992 for alteration of date of birth, though he could have, under the relevant Rules, made such a representation within 30 days from the date of his joining service. Thus, it was after about three months that prayer was made by petitioner to change the date of birth stating that he was born on 21.04.1957 in Chinaganjam, Prakasam District. After demise of his father, his grandfather brought him to Ongole and admitted to the school. At the time of admission his date of birth was declared as 22.04.1956 in haste instead of 21.04.1957. This mistake was detected only later on. Therefore, necessity arose to have it corrected. The request was considered by the Administrative Committee of the High Court on 15.10.1997 and was rejected along with the representation of 24 other judicial officers for change of date of birth. The other officers had questioned the rejection of the prayer by filing writ petition. Writ Petition No.10071 of 1998 filed by Sri P.Venkata Ramana Rayalu was dismissed and the Supreme Court of India in Civil Appeal Nos.12087 of 1997 dated 09.04.1997 and 15432 of 1996, dated 26.11.1996, held that an

officer is entitled to seek change of date of birth only in case of bona fide mistake in recording date of birth at the time of employment.

Learned counsel for petitioner submits that against the order passed by this Court, there is a Special leave petition in the Supreme Court, which is pending and submits that the case should be decided thereafter.

Prayer of the petitioner is opposed in the reply affidavit filed by the respondent No.2 on the ground that application of the petitioner for change of date of birth was filed beyond limitation and rightly it was rejected by the High Court. It is also stated that the matter which is pending before Supreme Court is in respect of those cases where change of date of birth was sought on the basis of decrees of Civil Court and has no relevance in the instant case.

We have duly considered the submissions made at the Bar and are of the view that the case is fully covered by the judgment of a Division Bench of this Court in W.P.No.2799 of 1999, dated 15.12.2004, wherein also similar prayer for change of date of birth made after expiry of period of 30 days was rejected.

In the instant case, petitioner joined service on 20.08.1992. Petitioner could have applied for change of date of birth till 19.10.1992, and did not apply during the said period. Therefore, the prayer is liable to be rejected merely on that ground and these cannot be any change in date of birth when it is not shown to be bona fide. The pendency of the case in the Supreme Court pursuant to the decision of W.P.No.36155 of 1998 dated 03.12.2001 is not at all relevant, being a case arising out of request for change of date of birth based on a civil Court decree.

Petition dismissed.

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(DEVINDER GUPTA, CJ)

18.03.2005

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(B.SESHASAYANA REDDY, J)

DR/TVR

To

1 The District Judge,
Srikakulam.
2 The Registrar, Administration, High Court,
Hyderabad.

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